

Town Board Minutes
(Municipal Review Committee)

Meeting
No. 35

Special Meeting

October 18, 2004

Town Board Minutes

October 18, 2004

Meeting No. 35

A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 18th day of October 2004, at 6:30 PM and there were

PRESENT: DANIEL AMATURA, COUNCIL MEMBER
MARK MONTOUR, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR
MICHAEL MYSZKA, PLANNING BOARD MEMBER
MELVIN SZYMANSKI, PLANNING BOARD MEMBER
STANLEY KEYSA, PLANNING BOARD CHAIRMAN

ABSENT: REBECCA ANDERSON, PLANNING BOARD MEMBER
JOHN GOBER, PLANNING BOARD MEMBER
LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER
STEVEN SOCHA, PLANNING BOARD MEMBER

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
RICHARD SHERWOOD, TOWN ATTORNEY
JEFFREY SIMME, BUILDING INSPECTOR
ROBERT LABENSKI, TOWN ENGINEER

PURPOSE OF MEETING:

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for one (1) action.

**IN THE MATTER OF THE SEQR REVIEW OF THE
JOE BASIL CHEVROLET SITE PLAN**

The Municipal Review Committee proceeded with the short Environmental Assessment Form on the Joe Basil Chevrolet site plan matter with an item for item review and discussion of the project impact and magnitude as outlined on the Short Environmental Assessment Form, entitled "Part II Environmental Assessment", which was provided to each member.

**THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:**

RESOLVED, that the following Negative Declaration be adopted.

**NOTICE OF DETERMINATION:
JOE BASIL CHEVROLET SITE PLAN
NEGATIVE DECLARATION**

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster
21 Central Avenue
Lancaster, New York 14086
Richard J. Sherwood, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately 11.09 acres.

The location of the premises being reviewed is situate at 5111 Transit Road, County of Erie, Town of Lancaster, New York.

REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found, in their item for item completion of the Short Environmental Assessment Form on this proposed action as follows:

- A. The action does not exceed any type I threshold in 6 NYCRR, Part 617.4.
- B. The action will not receive coordinated review as provided for unlisted actions in 6 NYCRR, Part 617.6.
- C. The proposed action will not result in any adverse effects associated with the following:
 - C.1 Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems.

No significant adverse effects noted

- C.2 Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character.

No significant adverse effects noted

- C.3 Vegetation or fauna, fish, shellfish or wildlife species significant habitats, or threatened or endangered species.

No significant adverse effects noted

- C.4 A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources.

No significant adverse effects noted

- C.5 Growth, subsequent development, or related activities likely to be induced by the proposed action.

No significant adverse effects noted

- C.6 Long term, short term, cumulative, or other effects not identified in C1-C5.

No significant adverse effects noted

- C.7 Other impacts (including changes in use of either quantity or type of energy).

No significant adverse effects noted

- D. The Town of Lancaster has not established a critical environmental area (CEA) pursuant to subdivision 6NYCRR617.14(g), therefore the proposed action will not impact the, exceptional or unique characteristics of a critical environmental area (CEA).
- E. There is not, nor is there likely to be, controversy related to potential adverse environmental impacts.

s/s

Robert H. Giza, Supervisor
Town of Lancaster

SEAL

October 18, 2004

and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

BE IT FURTHER

RESOLVED, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a vote which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONT'OUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	WAS ABSENT
PLANNING BOARD MEMBER GOBER	WAS ABSENT
PLANNING BOARD MEMBER KORZENIEWSKI	WAS ABSENT
PLANNING BOARD MEMBER MYZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The Notice of Determination was thereupon unanimously adopted.

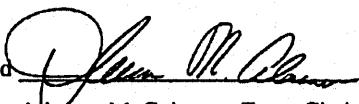
October 18, 2004

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER RUFFINO AND SECONDED BY
COUNCIL MEMBER AMATURA FOR ADJOURNMENT OF THE MEETING, on roll, which
resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	WAS ABSENT
PLANNING BOARD MEMBER GOBER	WAS ABSENT
PLANNING BOARD MEMBER KORZENIEWSKI	WAS ABSENT
PLANNING BOARD MEMBER MYSZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The meeting was adjourned at 7:08 P.M.

Signed 
Johanna M. Coleman, Town Clerk

Town Board Minutes

**Meeting
No. 36**

Regular Meeting

October 18, 2004

Town Board Minutes

October 18, 2004

Meeting No. 36

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 18th day of October at 8:00 P.M. and there were

PRESENT: DANIEL AMATURA, COUNCIL MEMBER
MARK MONTOUR, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
ROBERT LABENSKI, TOWN ENGINEER
RICHARD SHERWOOD, TOWN ATTORNEY
JEFFREY SIMME, BUILDING INSPECTOR
GARY STOLDT, CHIEF OF POLICE
CHRISTINE FUSCO, ASSESSOR
TERRENCE McCracken, GENERAL CREW CHIEF
RICHARD REESE JR., HIGHWAY SUPERINTENDENT

PERSONS ADDRESSING TOWN BOARD:

Keysa, James, 5455 Broadway, spoke to the Town Board on the following matter:

- Addressed the Town Board regarding plans by the Historical Society to promote the Town and Village of Lancaster in a pictorial book. On behalf of the Historical Society he is requesting a donation from the Town in the amount of \$7500 to assist in the financing of the book. He will make the same request of the Village of Lancaster.

Beutler, Daniel, 26 Tyler Street, spoke to the Town Board on the following matter:

- Inquired as to the amount of the fee for the study to be undertaken by Clough, Harbour & Associates for the new Police/Court facility.

Chowaniec, Lee, 93 Northwood Drive, spoke to the Town Board on the following matters:

- Comments about the proposed Pleasant Meadows Subdivision.
- Questions regarding concerns expressed by New York State Department of Transportation in relation to the proposed Pleasant Meadows Subdivision.

PUBLIC HEARING SCHEDULED FOR 8:35 P.M.:

At 8:35 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed Local Law entitled "Surcharge On Vehicle And Traffic Offenses".

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
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None

ON MOTION BY COUNCIL MEMBER MONTOUR, AND SECONDED BY COUNCIL MEMBER AMATURA, FOR ADJOURNMENT OF THE PUBLIC HEARING, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 8:37 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

October 18, 2004

PUBLIC HEARING SCHEDULED FOR 8:40 P.M.:

At 8:47 P.M., the Town Board held a Public Hearing to hear all interested persons upon the 2004 Special Districts Budget.

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Dan Beutler	26 Tyler Street	Questions about refuse disposal charges.
Jim Brett	659 Harris Hill Road	Questions about increase in refuse disposal costs.

ON MOTION BY COUNCIL MEMBER MONTOUR, AND SECONDED BY COUNCIL MEMBER RUFFINO, FOR ADJOURNMENT OF THE PUBLIC HEARING, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STAMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 8:53 P.M.

The Supervisor informed those present that the Town Board would reserve decision on this matter.

October 18, 2004

PUBLIC HEARING SCHEDULED FOR 8:45 P.M.:

At 8:54 P.M., the Town Board held a Public Hearing to hear all interested persons upon the 2004 Preliminary Budget.

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Dan Beutler	26 Tyler Street	Questions about various department's appropriations in proposed 2005 budget. Opposed to the Town giving raises to employees.

ON MOTION BY COUNCIL MEMBER MONTOUR, AND SECONDED BY COUNCIL MEMBER AMATURA, FOR ADJOURNMENT OF THE PUBLIC HEARING, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 9:08 P.M.

The Supervisor informed those present that the Town Board would reserve decision on this matter.

October 18, 2004

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED, that the minutes of the Regular Meeting of the Town Board held
October 4, 2004 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on
roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 18, 2004

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER AMATURA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Chief of Police of the Town of Lancaster has recommended to the Town Board that a particular date and time be set for the observance of Halloween within the Town of Lancaster.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster, hereby declares Sunday, October 31, 2004, between the hours of 6:00 P.M. and 8:30 P.M., as the official period during which Halloween trick or treat activities may be observed within the Town of Lancaster.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 18, 2004

File: RPR (P1)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, it is in the public interest of the Town of Lancaster to complete and file its Community Development Project Description Forms for Community Development Block Grant funding for the year 2005 - 2006, and

WHEREAS, a public hearing was held by the Town Board of the Town of Lancaster on October 4, 2004 to elicit from the public comments relative to the use of 2005 - 2006 Community Development Block Grant funds.

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and is hereby authorized and directed to execute and file the required 2005 - 2006 Community Development Project Description Application Forms for the year 2005 - 2006 for approval and execution of contract with the Erie County Community Development Block Grant Program, as follows:

1. ADA Accessibility - Lancaster Town Hall
2. Sidewalks on the South Side of William Street

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 18, 2004

file: reomndevelopblockgrant2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOR, TO WIT:

WHEREAS, James L. Dispenza, lessee at 73 Cemetery Road in the Town of Lancaster, has submitted an application for a Special Use Permit for a used light truck and recreational vehicle sales business in accordance with provisions of Chapter 50-Zoning, Section 20 (B)(1) (j) of the Code of the Town of Lancaster;

WHEREAS, §50-46 of the Zoning Code of the Town of Lancaster requires that the Town Board conduct public hearings before the issuance of a special use permit for a use as proposed;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Chapter 50-Zoning, Section 20 (B) (1) (j), entitled "Commercial and Motor Service District (CMS) " of the Code of the Town of Lancaster, a Public Hearing on the proposed Special Use Permit for a used light truck and recreational vehicle sales business on premises locally known as 73 Cemetery Road in the Town of Lancaster, New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 1st day of November 2004, 8:30 o'clock P.M., Local Time, and that Notice of the time and place of such Hearing be published in the Lancaster Bee, a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board and that a copy of such Notice of Hearing be referred to the Erie County Department of Planning, pursuant to Section 239(m) of the General Municipal Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 18, 2004

File: rspecialusedispenzajames1004

**LEGAL NOTICE
PUBLIC HEARING
SPECIAL USE PERMIT - JAMES L. DISPENZA
73 CEMETERY ROAD**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the authority set forth in Chapter 50-Zoning, Section 20 (B) (1) (j), entitled "Commercial and Motor Service District (CMS)" of the Code of the Town of Lancaster, and the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster adopted on the 18th day of October, 2004 the said Town Board will hold a Public Hearing on the 1st day of November, 2004, at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the application of James L. Dispenza for a Special Use Permit for a used light truck and recreational vehicle sales business on premises locally known as 73 Cemetery Road, Town of Lancaster, County of Erie, State of New York.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN
Town Clerk**

October 18, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50-Zoning, Section 50-41.1 et seq entitled, "Communication Towers" of the Code of the Town of Lancaster, upon the application of SBA Network Services, Inc., 935 Thayer Road, Fairport, New York, as agent for Southwestern Bell Mobile Systems, LLC, d/b/a Cingular Wireless, for a Special Use Permit for construction of a 140' monopole tower and a 11' x 20' equipment building and generator within a 20' x 50' fenced compound to be situated on property located on 933 Ransom Road, Lancaster, New York, and

WHEREAS, the Planning Board reviewed the proposed site plan for the tower and made a recommendation approving subject to certain conditions, and

WHEREAS, a SEQR Review of this project was held September 7, 2004 and a negative declaration was issued at that time, and

WHEREAS, persons for and against such Special Use Permit have had an opportunity to be heard, and

WHEREAS, the Town Board has reviewed the proposed site plan and taken into consideration the recommendation and conditions set out by the Planning Board;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Chapter 50 - Zoning - Section 50-41.1 et seq. of the Code of the Town of Lancaster, the Town Board of the said Town does hereby grant a Special Use Permit to SBA Network Services, Inc., as agent for Southwestern Bell Mobile Systems, LLC, d/b/a Cingular Wireless, for construction of a 140' monopole tower and a 11' x 20' equipment building and generator within a 20' x 50' fenced compound to be situated on property located on 933 Ransom Road, Lancaster, New York, upon the terms and conditions as set forth in the Zoning Ordinance, and upon the following conditions:

1. Provide documentation to the Town regarding the FAA determination for lighting the pole.
- 2) Monopole to be designed with ability for future extension.
- 3) Landscaping plan waived due to location within industrial site.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 18, 2004

File: rsbanetworkservicespecialusepermit904

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of Local Laws, and

WHEREAS, a proposed Local Law No. 4 of the Year 2004 entitled "SURCHARGE ON VEHICLE AND TRAFFIC OFFENSE", and further designated as Chapter 46, Article XXIV, Section 35 of the Code of the Town of Lancaster, was introduced to the Town Board of the Town of Lancaster by Supervisor Giza on the 4th day of October, 2004, and

WHEREAS, a Public Hearing was duly called and held pursuant to law on October 18, 2004;

NOW, THEREFORE, BE IT

ENACTED, by the Town Board of the Town of Lancaster, Local Law No. 4 of the Year 2004, entitled "SURCHARGE ON VEHICLE AND TRAFFIC OFFENSE ", and designated as Chapter 46, Article XXIV, Section 35 of the Code of the Town of Lancaster, County of Erie and State of New York, which reads as follows:

Chapter 46

VEHICLE AND TRAFFIC

ARTICLE XXIV, Section 35

SURCHARGE ON VEHICLE AND TRAFFIC OFFENSE

**LOCAL LAW No. 4
OF THE YEAR 2004**

A LOCAL LAW TO IMPOSE A LOCAL SURCHARGE ON CONVICTIONS RENDERED IN THE TOWN JUSTICE COURT PURSUANT TO THE ENABLING AUTHORITY OF SECTION 1809-D OF THE VEHICLE AND TRAFFIC LAW, AS ADDED BY CHAPTER 56 OF THE LAWS OF 2004., AND

Article XXIV

- §46.35 - 1. Purpose**
- §46.35 - 2. Local Surcharge for Traffic Violations**
- §46.35 - 3. Payment to Clerk of Court; Disposition of Surcharge**
- §46.35 - 4. Refunds**
- §46.35 - 5. Effective Date**

BE IT ENACTED, by the Town Board of the Town of Lancaster, County of Erie, State of New York as follows:

§46-35 - 1. Purpose

The purpose of this local law is to impose a local surcharge on convictions rendered in the Town Justice Court pursuant to the enabling authority of Section 1809-D of the Vehicle and Traffic Law, as added by Chapter 56 of the Laws of 2004.

§46-35 - 2. Local Surcharge for Traffic Violations

For convictions rendered in the Town of Lancaster Justice Court for violations committed between the effective date of this local law and September 1, 2005, which convictions are subject to a mandatory surcharge imposed pursuant to 1809 of the Vehicle and Traffic Law, there shall be an additional surcharge of ten dollars (\$10.00) per violation.

§46-35 - 3. Payment to Clerk of Court; Disposition of Surcharge

The surcharge authorized by subdivision one of this section shall be paid to the clerk of the court that rendered the conviction. Within the first ten days of the month next succeeding the collection of such surcharge, the court shall pay the surcharge upon application to the chief fiscal officer of the town which imposed such surcharge.

Any person who has paid a surcharge authorized by this section which is ultimately determined not to be required by this section shall be entitled to a refund of such surcharge upon application to the chief fiscal officer of the town which imposed such surcharge. Such chief fiscal officer shall require such proof as is necessary in order to determine whether a refund is required by law.

This Local Law shall take effect upon filing with the Secretary of State..

and

BE IT FURTHER

RESOLVED, that the Town Clerk of the Town of Lancaster shall:

- A. Immediately post a copy of the Local Law of the Year 2004 on the Town Bulletin Board, and
- B. Within ten (10) days, publish a certified copy of the Local Law abstract thereof describing the same in general terms in the Lancaster Bee, declared the official newspaper for this publication, and
- C. Maintain a file in the Town Clerk's office on Local Law of the Year 2004, with all proof of publication and posting required for adoption, and
- D. File certified copies of Local Law of the Year 2004 within ten (10) days of adoption with:
 - a) Town Clerk's Office
 - b) One (1) copy with the Office of the Secretary of State.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 18, 2004

**LEGAL NOTICE
NOTICE OF ADOPTION
LOCAL LAW NO. 4
OF THE YEAR 2004**

PLEASE TAKE NOTICE that there has been adopted by the Town Board of the Town of Lancaster, Erie County, New York, on October 18, 2004, Local Law No. 4 of the Year 2004, entitled: "Surcharge on Vehicle and Traffic Offense", briefly described as follows:

"A Local Law to impose a local surcharge on convictions rendered in the Town Justice Court pursuant to the enabling authority of Section 1809-D of the Vehicle and Traffic Law, as added by Chapter 56 of the Laws of 2004."

October 18, 2004

**STATE OF NEW YORK :
COUNTY OF ERIE : ss:
TOWN OF LANCASTER :**

THIS IS TO CERTIFY, that I, **JOHANNA M. COLEMAN**, Town Clerk of the Town of Lancaster in said County of Erie, have compared the foregoing copy of Local Law No. 4 of the Year 2004, with the original thereof filed in my office at Lancaster, New York, on the 18th day of October, 2004, and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Town, this 18th day of October, 2004.

Johanna M. Coleman, Town Clerk

File: r\locallawsurchargetovehicleandtrafficoftenses1004a

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, the General Crew Chief of the Department of Parks, Senior Facility and Buildings and Grounds of the Town of Lancaster, has requested the purchase of one (1) new and unused athletic field groomer for the use of the Parks Department, and

WHEREAS, the Parks and Recreation Committee of the Town Board recommends that such purchase be authorized.

**NOW, THEREFORE, BE IT
RESOLVED**, as follows:

1. That Bids be received by the Town Clerk on November 4, 2004 at 10:00 o'clock A.M. Local Time at the Town Hall, 21 Central Avenue, Lancaster, New York, for the purpose of purchasing one (1) new and unused athletic field groomer for the use of the Department of Parks, Senior Facility and Buildings and Grounds of the Town of Lancaster, in accordance with specifications on file in the Town Clerk's Office, and
2. That the Town Clerk be and is hereby authorized to place a Notice to Bidders in the Lancaster Bee and post notices thereof as required by Law and further mail notices to all heavy equipment suppliers in Erie County, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 18, 2004

File: reedepthleticfieldgroomer1004

**LEGAL NOTICE
TOWN OF LANCASTER
NOTICE TO BIDDERS**

NOTICE IS HEREBY GIVEN, that sealed bids will be received by the Town Clerk of the Town of Lancaster, Erie County, New York, in the Council Chamber of the Town Hall, 21 Central Avenue, Lancaster, New York, up to 10:00 o'clock A.M., Local Time, on the 4th day of November, 2004, for the purpose of providing to the Town of Lancaster one (1) new and unused athletic field groomer for the use of the Department of Parks, Senior Facility and Buildings and Grounds of the Town of Lancaster, in accordance with specifications on file in the Town Clerk's Office in the Town Hall, 21 Central Avenue, Lancaster, New York.

A Certified Check or Bid Bond in an amount representing five percentum (5%) of the Total Bid, payable to the Supervisor of the Town of Lancaster, and a Non-Collusive Bidding Certificate must accompany each bid.

The Board reserves the right to reject any or all bids and to waive any informalities.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

BY: JOHANNA M. COLEMAN
Town Clerk

October 18, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the General Crew Chief of the Department of Parks, Senior Facility and Buildings and Grounds of the Town of Lancaster, has requested the purchase of one (1) new and unused roller or one (1) demo roller for the use of the Parks Department, and

WHEREAS, the Parks and Recreation Committee of the Town Board recommends that such purchase be authorized.

**NOW, THEREFORE, BE IT
RESOLVED**, as follows:

1. That Bids be received by the Town Clerk on November 4, 2004 at 10:00 o'clock A.M. Local Time at the Town Hall, 21 Central Avenue, Lancaster, New York, for the purpose of purchasing one (1) new and unused roller or one (1) demo roller for the Department of Parks, Senior Facility and Buildings and Grounds of the Town of Lancaster in accordance with specifications on file in the Town Clerk's Office, and

2. That the Town Clerk be and is hereby authorized to place a Notice to Bidders in the Lancaster Bee and post notices thereof as required by Law and further mail notices to all heavy equipment suppliers in Erie County, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 18, 2004

File: recdeptroller1004

**LEGAL NOTICE
TOWN OF LANCASTER
NOTICE TO BIDDERS**

NOTICE IS HEREBY GIVEN, that sealed bids will be received by the Town Clerk of the Town of Lancaster, Erie County, New York, in the Council Chamber of the Town Hall, 21 Central Avenue, Lancaster, New York, up to 10:00 o'clock A.M., Local Time, on the 4th day of November, 2004, for the purpose of providing to the Town of Lancaster one (1) new and unused roller or one (1) demo roller for the use of the Department of Parks, Senior Facility and Buildings and Grounds of the Town of Lancaster, in accordance with specifications on file in the Town Clerk's Office in the Town Hall, 21 Central Avenue, Lancaster, New York.

A Certified Check or Bid Bond in an amount representing five percentum (5%) of the Total Bid, payable to the Supervisor of the Town of Lancaster, and a Non-Collusive Bidding Certificate must accompany each bid.

The Board reserves the right to reject any or all bids and to waive any informalities.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN
Town Clerk**

October 18, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the General Crew Chief of the Department of Parks, Senior Facility and Buildings and Grounds of the Town of Lancaster, has requested the purchase of one (1) new and unused stump grinder or one (1) demo stump grinder for the use of the Parks Department, and

WHEREAS, the Parks and Recreation Committee of the Town Board recommends that such purchase be authorized.

**NOW, THEREFORE, BE IT
RESOLVED**, as follows:

1. That Bids be received by the Town Clerk on November 4, 2004 at 10:00 o'clock A.M. Local Time at the Town Hall, 21 Central Avenue, Lancaster, New York, for the purpose of purchasing one (1) new and unused stump grinder or one (1) demo stump grinder for the use of the Department of Parks, Senior Facility and Buildings and Grounds of the Town of Lancaster in accordance with specifications on file in the Town Clerk's Office, and

2. That the Town Clerk be and is hereby authorized to place a Notice to Bidders in the Lancaster Bee and post notices thereof as required by Law and further mail notices to all heavy equipment suppliers in Erie County, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 18, 2004

File: recdeptstumpgrinder1004

**LEGAL NOTICE
TOWN OF LANCASTER
NOTICE TO BIDDERS**

NOTICE IS HEREBY GIVEN, that sealed bids will be received by the Town Clerk of the Town of Lancaster, Erie County, New York, in the Council Chamber of the Town Hall, 21 Central Avenue, Lancaster, New York, up to 10:00 o'clock A.M., Local Time, on the 4th day of November, 2004, for the purpose of providing to the Town of Lancaster one (1) new and unused stump grinder or one (1) demo stump grinder for the use of the Department of Parks, Senior Facility and Buildings and Grounds of the Town of Lancaster, in accordance with specifications on file in the Town Clerk's Office in the Town Hall, 21 Central Avenue, Lancaster, New York.

A Certified Check or Bid Bond in an amount representing five percentum (5%) of the Total Bid, payable to the Supervisor of the Town of Lancaster, and a Non-Collusive Bidding Certificate must accompany each bid.

The Board reserves the right to reject any or all bids and to waive any informalities.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

BY: JOHANNA M. COLEMAN
Town Clerk

October 18, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the Executive Director of the Youth Bureau, by letter dated October 6, 2004, has recommended the appointment of an individual to the position of Tutor, part time, with the Youth Bureau of the Town of Lancaster.

NOW, THEREFORE, BE IT

RESOLVED, that the following individual is hereby appointed to the position of Tutor, part time, in the Town of Lancaster Youth Bureau, effective October 14, 2004, and that this appointment, being a part time position, provides no health insurance, sick days, vacation or other fringe benefits not specifically mandated for part time employees:

<u>NAME</u>	<u>RATE</u>
Jessica Allen 105 Forestview Drive Depew, New York 14043	\$15.00 hr.

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 18, 2004

File: Rpers.tutor (P1)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the Town Board has previously duly advertised for bids for the construction of one (1) salt storage facility for use by the Highway Department, and

WHEREAS, bids were received, opened and reviewed on October 7, 2004, and

WHEREAS, the Highway Superintendent by letter dated October 7, 2004, has recommended award of the bid to Park Lane Construction & Development Corporation, 10269 Old Route 31 West, Clyde, New York 14433 being the lowest responsible bidder in the amount of \$200,000.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby awards the bid for the construction of one (1) salt storage facility for use by the Highway Department, to Park Lane Construction & Development Corporation, 10269 Old Route 31 West, Clyde, New York 14433 being the lowest responsible bidder in conformance with the specifications on file in the Office of the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 18, 2004

File: rhighwaysaltstoragefacility904a

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, Apple Rubber Products, Inc. has submitted a Site Plan prepared by Paul R. Heist, Licensed Professional Engineer, dated August 10, 2004 and received October 4, 2004 for the construction of a 46' x 55' addition on its property located at 310 Erie Street in the Town of Lancaster, and

WHEREAS, the Planning Board has reviewed the plan and at its meeting October 6, 2004 has recommended approval of this project, and

WHEREAS, this project has been reviewed for SEQR purposes and it has been determined to be a Type II Action and as such no further SEQR review is necessary;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Site Plan submitted by **Apple Rubber Products, Inc.** prepared by Paul R. Heist, Licensed Professional Engineer, dated August 10, 2004 and received October 4, 2004 for the construction of a 46' x 55' addition located at 310 Erie Street in the Town of Lancaster, contingent on the petitioner consulting with the Town Engineer regarding storm water detention.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 18, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the General Crew Chief, by letter dated October 14, 2004, has requested that two (2) seasonal employees for the spring/summer season of 2004 in the Parks, Recreation and Forestry Department of the Town of Lancaster, namely Matthew Steimer and Shawn Zaffram, be rehired as Laborers, full-time temporary, and

WHEREAS, these appointments will enable the Department to use the employees to assist in the fall tree planting program and outdoor maintenance work.

NOW, THEREFORE, BE IT

RESOLVED, that Matthew Steimer, 79 Court Street, Lancaster, New York be and is hereby appointed to the position of Laborer, full-time temporary in the Parks, Recreation and Forestry Department of the Town of Lancaster, effective retroactive to September 6, 2004 through November 26, 2004 with no benefits at the hourly rate of \$8.50 and that Shawn Zaffram, 28 Tanglewood Drive, Lancaster, New York be and is hereby appointed to the position of Laborer, full-time temporary in the Parks, Recreation and Forestry Department of the Town of Lancaster, effective retroactive to September 20, 2004 through November 26, 2004 with no benefits at the hourly rate of \$9.00.

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 18, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town Board has received a proposal from Erdman Anthony and Associates, 8608 Main Street, Buffalo, New York 14221-7455 to provide engineering services required for restroom improvements at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, a project for which the Town has applied for Community Development Block Grant Funds, such funds if available not to include the cost of engineering services, and

WHEREAS, the Town Board has reviewed the proposal submitted and deems it in the public interest to engage Erdman Anthony and Associates to provide the engineering services required for restroom improvements at the Lancaster Town Hall for the fixed fee in the sum of \$13,920 as set forth in the proposal from Erdman Anthony and Associates;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to enter into an agreement with Erdman Anthony and Associates to provide engineering services required for restroom improvements at the Lancaster Town Hall for the sum of \$13,920 as stipulated in the proposal received from Erdman Anthony and Associates.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 18, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, Joe Basil Chevrolet Inc. has submitted a Site Plan prepared by D.R. Chamberlain Corporation dated August 3, 2004 and received September 21, 2004 for the construction of a 4,050 square foot masonry addition to the rear of the existing car dealership on property located at 5111 Transit Road in the Town of Lancaster, and

WHEREAS, the Planning Board has reviewed the plan and at its meeting October 6, 2004 has recommended approval of this project, and

WHEREAS, a SEQR Review of this project was held October 18, 2004 and a negative declaration was issued at that time;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Site Plan submitted by Joe Basil Chevrolet Inc. prepared by D.R. Chamberlain Corporation, dated August 3, 2004 and received September 21, 2004, for the construction of a 4,050 square foot masonry addition to the rear of the existing car dealership on property located at 5111 Transit Road in the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 18, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER AMATURA, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid from
their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Director of
Administration and Finance, to wit:

Claim No. 11374 to Claim No. 11630 Inclusive

Total amount hereby authorized to be paid: \$422,638.71

The question of the foregoing resolution was duly put to a vote on roll call which
resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 18, 2004

File: Reclaims

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

NEW PERMITS:

12375	Sun Enterprises Inc	66 Running Brook Dr	Er. Shed	
12376	Good Neighbors Fence	33 Deerpath Dr	Er. Fence	
12377	Expert Fence Co Inc	577 Lake Ave	Er. Fence	
12378	Funk Remodeling	22 Old Post Rd	Er. Res. Add.	
12379	Custom Patio Rooms	105 Spohn Dr	Er. Res. Add.	
12380	Fridmann, John	64 Burwell Ave	Er. Fence	(V/L)
12381	E & E - 7 LLC	5071 Transit Rd	Er. Sign-Temp	
12382	Kaz Brothers Const.	51 Burwell Ave	Er. Res. Add.	(V/L)
12383	Marrano/Marc Equity	10 Ashwood Ct	Er. Dwlg.-Sin.	
12384	Creative Fence Co	5827 Broadway	Er. Fence	
12385	Duro-Shed Inc	40 Pleasant View Dr	Er. Shed	
12386	Pacific Pools	26 Clermont Ct	Er. Pool-In Grnd	
12387	Pacific Pools	26 Clermont Ct	Er. Fence	
12388	Voll, Edwin	28 Irwinwood Rd	Er. Res. Alt.	(V/L)
12389	Concord Amish Village	292 Enchanted Forest	Er. Shed	
12390	Hanft, Thomas	6357 Transit Rd	Dem./Er. Dwlg.	
12391	J R Rauscher Const.	20 Court St	Er. Res. Add.	(V/L)
12392	Stribing, Jeffrey	99 Sixth Ave	Er. Res. Alt.	(V/L)
12393	Custom Patio Rooms	9 Winding Way	Er. Res. Add.	
12394	Duro-Shed Inc	28 Stone Hedge Dr	Er. Shed	
12395	Alexander, Thomas	16 Bentley Cir	Er. Garage	
12396	Hoemer, Franklin	6465 Broadway	Er. Gazebo	
12397	Holiday Remodeling	27 Michael's Walk	Er. Garage	
12398	Beauty Pools Inc	11 Bentley Cir	Er. Pool-In Grnd	
12399	Beauty Pools Inc	11 Bentley Cir	Er. Fence	
12400	Frey's Olde Time Furn.	4 Westbury Ln	Er. Shed	
12401	Linde, Derrick	1338 Ransom Rd	Er. Fireplace	
12402	Perrello, William	46 Quail Run Ln	Er. Res. Add.	
12403	Concept Construction	4343 Walden Ave	Er. Comm. Bldg.	
12404	Ad Works	4391 Walden Ave	Er. Sign	

12405	Kasprzyk, David	24 Ravenwood Dr	Er. Res. Add.	
12406	Edminston, Kevin	95 Erie St	Er. Shed	(V/L)
12407	Forbes Homes Inc	10 Beatrix Cir	Er. Dwlg.-Sin.	
12408	CKO Plumbing	2 Forestream Dr	Inst. Com Plmbg	
12409	Schultz, William	26 St Marys St	Er. Shed	(V/L)
12410 SW	Chaves, David	3670 Bowen Rd	Er. Dwlg.-Sin.	
12411	Dersam, Michael	37 Maple Dr	Er. Shed	
12412 SW	RSR Construction Corp	5390 Genesee St	Er. Comm. Bldg.	

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 18, 2004

File: Rbldg2

SUSPENDED RESOLUTIONS:

Supervisor Giza requested a suspension of the necessary rules for immediate consideration of the following resolutions:

Council Member Stempniak moved to suspend the necessary rules for immediate consideration of the following resolutions, seconded by Council Member Montour, which resulted as follows

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

SUSPENSION GRANTED

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Town Board has previously duly advertised for bids for One
(1) New and Unused Sweeper for use by the Highway Department, and

WHEREAS, bids were received, opened and reviewed on October 18, 2004,
and

WHEREAS, the Highway Superintendent by letter dated October 18, 2004 has
recommended award of the bid to Cyncon Equipment, Inc. 7494 West Henrietta Road, Rush,
New York 14543 being the lowest responsible bidder in the amount of \$149,350;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby awards the
bid for One (1) New and Unused sweeper for use by the Highway Department to Cyncon
Equipment, Inc. 7494 West Henrietta Road, Rush, New York 14543 in the amount of
\$149,350 being the lowest responsible bidder in conformance with the specifications on file in
the office of the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

SUSPENSION GRANTED

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, the Town Board after review and consideration has deemed it in the public interest to seek additional professional engineering services regarding the police court building renovation, and

WHEREAS, Clough, Harbour and Associates LLP has provided a proposal to the Town to provide services with regard to reviewing a project program previously submitted to the Town and to include the preparation of a concept level cost estimate for the essential elements of the facility and potential desirable additional elements.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to enter into an agreement with Clough, Harbour and Associates LLP for services as outlined in a proposal from Clough, Harbour and Associates LLP at a cost not to exceed \$14,900.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 18, 2004

File: rcloughharbourandassociatesengineeringervicespolicehldg1004

COMMUNICATIONS & REPORTS:

858. Town Engineer to Town Board -
Recommend acceptance of Public Improvement, street lights, at Valley Overlook Subdivision. DISPOSITION = For Resolution
859. General Crew Chief to Planning Board Chairman, Planning Board Members, Council Members Montour, Ruffino, and Stempniak -
Notice from Town Forestry Department that landscape plan is not necessary for Apple Rubber Products addition, 310 Erie Street. DISPOSITION = Resolution 10/18/04
860. NYS DOT to Town Attorney -
Comments regarding DEIS for proposed Pleasant Meadows Subdivision. DISPOSITION = Planning Committee
861. NYS DOT to Town Attorney -
Notification of Lead Agency Designation regarding proposed apartment buildings, 5692 Broadway; comment noted. DISPOSITION = Planning Committee
862. Erie County Department of Health to Bowmansville VFA -
Letter of appreciation to Bowmansville VFA for use of fire station for flu vaccination clinic to be held November 5, 2004. DISPOSITION = Received & Filed
863. Erie County Department of Environment and Planning to Supervisor -
Transmittal of letter regarding Annual Community Assessment/2003 Program Year Review. DISPOSITION = Received & Filed
864. Executive Director, Youth Bureau to Supervisor -
Request resolution to hire Jessica Allen as tutor. DISPOSITION = Resolution 10/18/04
865. Lancaster Central School District to Town Board -
Request permission for motorecade in town to be held Friday, October 22, 2004. DISPOSITION = Received & Filed
866. Association of Erie County Governments to Town Board -
Notice of tour and meeting to be held Thursday, October 28, 2004 at 5:00 PM in Buffalo. DISPOSITION = Received & Filed
867. Erie County Legislature to Supervisor -
Transmittal of resolution regarding inclusion of land into agricultural district. DISPOSITION = Received & Filed
868. Town Engineer to Town Board -
Recommend acceptance of Public Improvement, street lights, at Summerfield Farms Phase III. DISPOSITION = For Resolution
869. Highway Superintendent to Town Board -
Request resolution to award contract for Salt Storage Building to Parklane Construction and Development Corp. DISPOSITION = Resolution 10/18/04
870. Town Clerk to Various News Media -
Notification of SEQRA meeting to be held October 18, 2004 at 6:30 PM to consider site plan application of Joe Basil Chevrolet, Inc. DISPOSITION = Received & Filed
871. ABC Consulting Services to Town Clerk -
Advisement of application for renewal of liquor license for Farley Inc., 4723 Transit Road. DISPOSITION = Town Attorney
872. Village of Lancaster to Town Board -
Transmittal of minutes of official meeting held September 27, 2004. DISPOSITION = Received & Filed

873. Town Attorney to Town Board, Planning Board, Building Inspector and Town Engineer - Notification of SEQRA meeting to be held October 18, 2004 at 6:30 PM to consider site plan application of Joe Basil Chevrolet, Inc. DISPOSITION = Received & Filed
874. Town Clerk to Town Board - Transmittal of monthly report for September 2004. DISPOSITION = Received & Filed
875. Planning Board Chairman to Planning Board, Town Board, Town Engineer, Highway Superintendent, Deputy Town Attorney, Building Inspector - Draft copy of Planning Board minutes of meeting held October 6, 2004. DISPOSITION = Received & Filed
876. Planning Board to Town Board - Recommend adjournment to future date for rezone application of two apartment buildings, 5692 Broadway; conditions noted. DISPOSITION = Received & Filed
877. Planning Board to Town Board - Recommend approval of Site Plan for Basil Chevrolet addition, 5111 Transit Road. DISPOSITION = Resolution 10/18/04
878. Planning Board to Town Board - Recommend approval of Site Plan for Apple Rubber Products addition, 310 Erie Street; condition noted. DISPOSITION = Resolution 10/18/04
879. Planning Board to Town Board - Requests letter to be sent to NYS DOT regarding proposed Transit Road & Freeman Drive intersection reconstruction. DISPOSITION = Received & Filed
880. General Crew Chief to Supervisor - Request appointment of two seasonal employees in Parks, Recreation & Forestry Department. DISPOSITION = Resolution 10/18/04
881. General Crew Chief to Supervisor - Request resolution to solicit bids for stump grinder, roller, and athletic field groomer. DISPOSITION = Resolution 10/18/04
882. Town of Elma to NYS Governor George Patacki - Transmittal of resolution regarding legislation to create funds for preservation of community character protection of farmland. DISPOSITION = Received & Filed
883. Gary & Michelle Wysocki to Supervisor - Comments supporting proposed Pleasant Meadows Subdivision. DISPOSITION = Planning Committee
884. NYS Senator Dale M. Volker to Town Board - Transmittal of letter from NYS DOT regarding traffic concerns on Genesee Street in Bowmansville. DISPOSITION = Received & Filed
885. Erie County Division of Budget, Management and Finance to Supervisor - Letter regarding county budget concerns and notice of meeting to be held October 16, 2004 at 10 AM at Elma Town Hall. DISPOSITION = Received & Filed
886. NYS DOT to Town Clerk - Notice of acceptance of completed work of Transit Road from Gould Avenue to French Road. DISPOSITION = Received & Filed

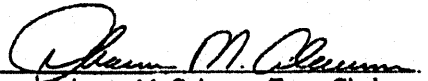
ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER MONTOUR AND SECONDED BY
COUNCIL MEMBER STEMPNIAK FOR ADJOURNMENT OF THE MEETING, which
resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

The meeting was adjourned at 9:18 P.M.

Signed


Johanna M. Coleman, Town Clerk